

SQF-2 solar powered submersible pump system with control and solar panels (pump system) manufactured in Denmark by GrundFos. The head of each federal agency is authorized to issue project waivers pursuant to Section 1605(c) of ARRA. Section 1605(a) of the ARRA requires that none of the funds appropriated or otherwise made available by the ARRA may be used for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States. Pursuant to Section 1605(c), a waiver may be provided if EPA determines: (1) Applying these requirements would be inconsistent with the public interest; (2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) inclusion of iron, steel, and the relevant manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent. A Delegation of Authority Memorandum was issued by the EPA Administrator on March 31, 2009 which provided EPA Regional Administrators with the authority to issue waivers to Section 1605(a) of ARRA within the geographic boundaries of their respective regions and with respect to requests by individual recipients of ARRA financial assistance.

The MRCD implements projects within the Tomales Bay and Stemple Creek Watersheds to stop soil erosion, improve riparian habitat, and stabilize eroding stream channels on agricultural lands. The MRCD is installing the pump system to redevelop a brick well in order to provide replacement water for livestock which have been kept from natural water supplies, due to efforts to fence off a creek for streamside and riparian restoration, which restoration will also reduce non-point source pollution. This project is intended to further the purposes of the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) plan to facilitate land (grazing) management by providing water and water outlets. This will permit the landowner to practice rotational grazing and avoid depleting the integrity of the land with intense grazing.

The MRCD's specifications require the pump system to deliver 920 gallons per day (GPD) against a total dynamic head (TDH) of 160 feet. The MRCD stated in their waiver submission that the closest equivalent domestically-manufactured pump systems do not meet these project specifications. Initial analysis by EPA's

national contractor indicated that there was one domestic manufacturer that might be able to meet the project specifications, but observed that additional information clarifying the project's winter month flow requirements was necessary to determine whether this domestic manufacturer could meet all necessary project specifications.

Additional information provided by the MRCD specified that the system must also have a pumping capacity of 1400 GPD at 160 feet of TDH during the winter. Further analysis by EPA and EPA's national contractor confirmed that domestic models capable of meeting the pumping capacity and TDH specifications in winter months would require an additional fuel source. The method to generate this power would require the use of the emergency generator system. Using the emergency system defeats the purpose of having a backup source, and leaves the project site vulnerable to failure. Moreover, as the back-up source of power supply would need to be in operation for nearly the same amount of time that the solar powered equipment would be in operation, this reliance on the emergency system compromises the environmental significance achieved by having a solar powered pump system.

The April 28, 2009 EPA Memorandum for implementation of the ARRA Buy American provisions of P.L. 111-5, states the quantity of iron, steel, or relevant manufactured good is "reasonably available" if it is available at the time and place needed, and in the proper form or specification as specified in the project plans and design.

The MRCD's submission articulates a reasonable and appropriate basis for choosing the type of technology it chose for this project in environmental objectives and performance specifications. Further, it provides sufficient documentation the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantity and of a satisfactory quality to meet its technical specifications. The MRCD has incorporated specific technical design specifications for the proposed project based on their needs and provided information to the EPA indicating there are currently no pump systems manufactured in the United States that have equivalent product specifications. The MRCD has also provided certification from its supplier indicating there are no systems of comparable quality available from a domestic manufacturer to meet its specifications. Based on additional research conducted by the EPA's Buy American consultant,

there do not appear to be other pump systems available to meet the MRCD's specifications.

Furthermore, the purpose of the ARRA is to stimulate economic recovery by funding current infrastructure construction, not to delay shovel ready projects by requiring entities, like the MRCD, to revise their design and potentially choose a more costly and less efficient project. The imposition of ARRA Buy American requirements on such projects eligible for CWSRF assistance would result in unreasonable delay and thus displace the "shovel ready" status for this project.

The EPA Region 9 Infrastructure Office, Office of Regional Counsel, EPA's Buy American consultant, and EPA's Office of Administration and Resource Management have reviewed this waiver request and have determined the supporting documentation provided by the MRCD is sufficient to meet the criteria listed under ARRA Section 1605(b)(2) and the EPA April 28, 2009, Memorandum for implementation of ARRA Buy American provisions of Public Law 111-5.

Having established both a proper basis to specify the particular good required for this project, and that this manufactured good was not available from a producer in the United States, the MRCD is hereby granted a waiver from the Buy American requirements of Sections 1605(a) of Public Law 111-5, for the purchase of the GrundFos pump system, specified in the MRCD's request of September 23, 2009. This supplementary information constitutes the detailed written justification required by Section 1605(c) for waivers based on a finding under Section 1605(b)(2).

**Authority:** Public Law 111-5, Section 1605.

Dated: December 14, 2009.

**Laura Yoshii,**  
*Acting Regional Administrator, EPA Pacific Southwest Region.*

[FR Doc. 2010-4075 Filed 2-26-10; 8:45 am]

**BILLING CODE 6560-50-P**

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9119-8]

### Proposed Consent Decree, Clean Air Act Citizen Suit

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed consent decree; request for public comment.

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**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended (“CAA”), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree to address a lawsuit filed by Environmental Integrity Project, Baltimore Harbor Waterkeeper, Inc., Clean Water Action, and Chesapeake Climate Action Network (collectively “Plaintiffs”) in the United States District Court for the District of Columbia: *Environmental Integrity Project, et al. v. Jackson*, No. 1:10-cv-165 (RJL) (D.D.C.). Plaintiffs filed a deadline suit to compel the Administrator to respond to an administrative petition seeking EPA’s objection to a CAA Title V operating permit issued by the Maryland Department of the Environment to Wheelabrator Baltimore, LP (“Wheelabrator”) for a municipal solid waste incinerator in Baltimore, Maryland. Under the terms of the proposed consent decree, EPA has agreed to respond to the petition by April 15, 2010.

**DATES:** Written comments on the proposed consent decree must be received by *March 31, 2010*.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA–HQ–OGC–2010–0184, online at <http://www.regulations.gov> (EPA’s preferred method); by e-mail to [oei.docket@epa.gov](mailto:oei.docket@epa.gov); by mail to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD-ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

**FOR FURTHER INFORMATION CONTACT:** Leslie Darman, Office of General Counsel (Mail Code 2355A), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564–5452; fax number (202) 564–5477; e-mail address: [darman.leslie@epa.gov](mailto:darman.leslie@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Additional Information About the Proposed Consent Decree**

This proposed consent decree would resolve a lawsuit alleging that the Administrator failed to perform a nondiscretionary duty to grant or deny, within 60 days of submission, an administrative petition to object to a

CAA Title V permit issued by the Maryland Department of the Environment to Wheelabrator for a municipal solid waste incinerator in Baltimore, Maryland. Under the terms of the proposed consent decree, EPA has agreed to respond to the petition by April 15, 2010. In addition, the proposed consent decree states that within fifteen (15) business days EPA shall transmit notice of such action to the Office of the Federal Register for publication.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed consent decree from persons who were not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines that consent to this consent decree should be withdrawn, the terms of the decree will be affirmed.

**II. Additional Information About Commenting on the Proposed Consent Decree**

**A. How Can I Get a Copy of the Consent Decree?**

The official public docket for this action (identified by Docket ID No. EPA–HQ–OGC–2010–0184) contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

An electronic version of the public docket is available through <http://www.regulations.gov>. You may use the <http://www.regulations.gov> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select “search,” then key in the appropriate docket identification number.

It is important to note that EPA’s policy is that public comments, whether

submitted electronically or in paper, will be made available for public viewing online at <http://www.regulations.gov> without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA’s policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA’s electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

**B. How and to Whom Do I Submit Comments?**

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked “late.” EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment and with any disk or CD ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA’s electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the <http://www.regulations.gov> Web site to submit comments to EPA electronically is EPA’s preferred method for receiving comments. The electronic public docket system is an “anonymous access” system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment. In contrast to EPA’s electronic public docket, EPA’s electronic mail (e-mail) system is not an “anonymous access”

system. If you send an e-mail comment directly to the Docket without going through <http://www.regulations.gov>, your e-mail address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: February 22, 2010.

**Richard B. Ossias,**

*Associate General Counsel.*

[FR Doc. 2010-4156 Filed 2-26-10; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Approved by the Office of Management and Budget

February 22, 2010.

**SUMMARY:** The Federal Communications Commission has received Office of Management and Budget (OMB) approval for the following public information collection(s) pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). An agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number, and no person is required to respond to a collection of information unless it displays a currently valid OMB control number. Comments concerning the accuracy of the burden estimate(s) and any suggestions for reducing the burden should be directed to the person listed in the "For Further Information Contact" section below.

**FOR FURTHER INFORMATION CONTACT:** Tim Stelzig on (202) 418-0942 or e-mail at [Tim.Stelzig@fcc.gov](mailto:Tim.Stelzig@fcc.gov).

#### SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-1131.

OMB Approval Date: 12/03/2009.

Expiration Date: 12/31/2012.

Title: Implementation of the NET 911 Improvement ACT of 2008: Location Information from Owners and Controllers of 911 and E911 Capabilities.

Form Number: N/A.

Estimated Annual Burden: 60 responses; 0.0833 hours (5 minutes) hours per response; 5 hours total per year.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in the New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Act), Public Law 110-283, Stat. 2620 (2008) (to be codified at 47 CFR Section 615a-1), and section

222 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: To implement section 222 of the Communications Act of 1934, as amended, the Commission's rules impose a general duty on carriers to protect the privacy of customer proprietary network information and carrier proprietary information from unauthorized disclosure. See 47 CFR 64.2001 et seq. In the Order, the Commission additionally has clarified that the Commission's rules contemplate that incumbent LECs and other owners or controllers of 911 or E911 infrastructure will acquire information regarding interconnected VoIP providers and their customers for use in the provision of emergency services. We fully expect that these entities will use the information only for the provision of E911 services. To be clear, no entity may use customer information obtained as a result of the provision of 911 or E911 services for marketing purposes.

Needs and Uses: In a Report and Order, FCC 08-249, WC Docket No. 08-171, the FCC requires an owner or controller of a 911 or enhanced 911 (E911) capability to make that capability available to a requesting interconnected Voice over Internet Protocol (VoIP) provider in certain circumstances. This requirement involves the collection and disclosure to emergency services personnel of customers' location information. In a previous action, the Commission required interconnected VoIP providers to collect certain location information from their customers and disclose it to the entities that own or control an Automatic Location Information (ALI) database. That OMB-approved requirement is under OMB Control Number 3060-1085. All the relevant costs of the entities that own or control an ALI database were previously described in 3060-1085. The Commission has calculated the paperwork burdens of this present item in such a way as to prevent double counting for OMB's inventory.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary, Office of Managing Director.*

[FR Doc. 2010-4068 Filed 2-26-10; 8:45 am]

**BILLING CODE: 6712-01-S**

## FEDERAL COMMUNICATIONS COMMISSION

[RM No. 11592; DA 10-278]

### Wireless Telecommunications Bureau Seeks Comment on Petition for Rulemaking Regarding 700 MHz Band Mobile Equipment Design and Procurement Practices

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Wireless Telecommunications Bureau seeks comment on a petition for rulemaking asking the Commission to require that all mobile units be capable of operating over all frequencies in the 700 MHz Band.

**DATES:** Interested parties may file comments on or before March 31, 2010, and reply comments on or before April 30, 2010.

**ADDRESSES:** Comments may be filed using (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/> or the Federal eRulemaking Portal: <http://www.regulations.gov>.

- *Paper Filers:* Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Effective December 28, 2009, all hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours are 8 a.m. to 7 p.m.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW., Washington, DC 20554.